IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTIETH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 16810 of 2004

Between:

N. Ch. Venkateshwarlu, S/o. Chinna Ramaiah,
R/o. H.No. 8-17-89, Sarangapani Street, Giddalur, Prakasam District.

..... PETITIONER

AND

The Depot Manager, APSRTC., Giddalur Depot, Prakasam District.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, Order, or Direction, more particularly one in the nature of Writ of Mandamus declaring the action of the respondent in issuing the show cause notice of removal in proceedings No. M1/95(107)/04-GDLR dt. 08-09-2004 as illegal, arbitrary and contrary to procedure, and violative of Art. 14 and 16 of constitution of India.

Counsel for the Petitioner:MR.V.VISWANATHAM

Counsel for the Respondent No.:Mr. R.Manmadha Reddy

(SC for APSRTC)

The Court made the following :

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ORDER:

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The petitioner is working as a Conductor. He was charge sheeted for ticket and cash irregularity. An enquiry was conducted against him. A final show cause notice has been issued as to why he shall not be removed from service. The petitioner being aggrieved by the show cause notice, approached this Court, through this Writ Petition seeking to quash the show cause notice. The petitioner did not attribute any procedural irregularity, but, he contends that there is only an allegation that he reissued a ticket of Rs.40/- denomination and as a friend of the passenger handed over the previously issued ticket, it was found with one of the passengers and there is no mistake on the part of the petitioner. Therefore, he requested the Court to treat it as a rarest of rare cases and pass appropriate orders, quashing the show cause notice.

The petitioner was issued a charge sheet. He submitted his explanation. An Enquiry was conducted. A final show cause notice has been issued. He has another opportunity to ventilate his grievances a n d defence through the final written statement.

The concerned authority would pass appropriate orders by taking into consideration the gravity of the misconduct. During the pendency of the proceedings, it is not desirable to interfere with the process and to pass any orders in this Writ Petition.

The Writ Petition, is, therefore, premature and it is accordingly dismissed. The petitioner is at liberty to file his written statement and to represent his case effectively to enable the concerned authorities to pass a final order, according to the Rules. No order as to costs.

Dr. G.Yethirajulu,J.

20th September, 2004.

KM

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1.The Depot Manager, APSRTC., Giddalur Depot, Prakasam District.

2.2CD copies

THE HON'BLE Dr. JUSTICE G.YETHIRAJULU

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